

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**SHERRI R. LOWE,
SHIRLEY LOWE-GRIFFITH,
Plaintiffs,**

v.

**UHF MAGNOLIA TRACE LP, et al.,
Defendants.**

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**USDC 3:14-CV-1460-M-BK
USCA 16-10163**

RECOMMENDATION REGARDING NON-PRISONER'S IFP STATUS ON APPEAL

Before the Court are a Notice of Appeal and a request to proceed *in forma pauperis* on Appeal. [Doc. 66](#); [Doc. 67](#). The latter is signed only by Sherrie R. Lowe.¹ [Doc. 67](#). Upon consideration, it is recommended that the Court deny Sherrie R. Lowe's motion to proceed *in forma pauperis* on appeal [[Doc. 67](#)], and certify, pursuant to FED. R. APP. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith in light of this Court's January 11, 2016 order [[Doc. 64](#)] accepting the findings, conclusions and recommendation of the Magistrate Judge [[Doc. 62](#)]. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (an appeal is not taken in good faith when it fails to present non-frivolous issues).

Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the District Court's Order.

SIGNED February 23, 2016.


RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

¹ The Court notes that Plaintiff Shirley Lowe-Griffith has not submitted a motion to proceed *in forma pauperis* on appeal.